

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 SCA-01 L-03 IO-13 PM-07 NSC-10 SS-15

RSC-01 CIAE-00 DODE-00 INR-10 NSAE-00 PA-03 USIA-15

PRS-01 SAJ-01 NIC-01 ACDA-19 CPR-02 RSR-01 /129 W

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R 021822Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6640

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L BONN 11040

E.O. 11652: GDS

TAGS: PGOV, WB, GE, GW

SUBJECT: PRIVILEGES AND IMMUNITIES FOR GDR PERMANENT

MISSION: BK/O DRAFT

REF: BERLIN 1273

1. ALLIED REPS MET TRIPARTITELY AUGUST 2 TO CONSIDER
DRAFT BK/O AGREED IN BERLIN (REFTEL). ALL AGREED THAT
NEW BK/O APPROPRIATELY FOLLOWED PATTERN OF BK/O (64) 3
WHICH AUTHORIZED EXTENSION OF VIENNA CONVENTION TO WEST
BERLIN, BUT THE FRENCH REP (BELLESCIZE) BELIEVED BK/O
COVERING PRIVILEGES AND IMMUNITIES FOR GDR PERMANENT
MISSION MEMBERS REPRESENTED A SPECIAL CASE AND THAT NEW
BK/O SHOULD BE AMENDED TO INCLUDE STATEMENT REGARDING
CORRESPONDING AK AUTHORITY. BELLESCIZE PROPOSED THAT
PARA 1 (II) REFTEL BE AMENDED BY FOLLOWING ADDITION:

"...AND TO TAKE ANY MEASURES WHICH THE AK MIGHT DEEM
NECESSARY WITH RESPECT TO THESE PRIVILEGES AND IMMUNI-
TIES." UK AND US REPS SAW VALUE OF SUCH AN ADDITION IN
PROTECTING ALLIED RIGHTS AND AGREED TO RECOMMEND THIS
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CHANGE TO THEIR AUTHORITIES.

2. THE UK REP (BERMAN) COMMENTED THAT FRG REPS HAD SAID THEY WOULD APPRECIATE QUICK ALLIED APPROVAL IN PRINCIPLE TO EXTEND THE FRG LAW ON PRIVILEGES AND IMMUNITIES TO WEST BERLIN IN ORDER TO EXPEDITE PERMANENT MISSION LEGISLATION. HE ADDED, HOWEVER, THAT HIS AUTHORITIES WOULD BE RELUCTANT TO GO MUCH FURTHER WITHOUT BEING ABLE TO WEIGH EVENTUAL TEXTS OF ENABLING ORDINANCES IN BERLIN. FOR EXAMPLE, BERMAN SAID THAT SINCE ALLIES DO NOT HAVE THE POWER TO EXPEL GERMANS FROM BERLIN, THE IMPLEMENTING ORDINANCES WOULD HAVE TO BE CAREFULLY STUDIED BY AK IN ORDER TO PROTECT ALLIED INTERESTS. BERMAN ACCORDINGLY SUGGESTED ADDITION OF PARA 1 (III) AS FOLLOWS: "NO ORDINANCE (VERORDNUNG) ISSUED UNDER THE LAW CITED ABOVE MAY ENTER INTO FORCE IN BERLIN WITHOUT THE EXPRESS APPROVAL OF THE ALLIED KOMMANDATURA." THE US REP SAID HE THOUGHT HIS AUTHORITIES WOULD ALSO WISH TO RESERVE THEIR RIGHTS ON ORDINANCES IMPLEMENTING THE LAW IN BERLIN, AND AGREED THIS FORMULATION MIGHT AT SAME TIME SATISFY FRG NEED FOR EARLY AGREEMENT IN PRINCIPLE TO EXTEND THE LAW TO BERLIN WHILE PROTECTING OUR POSITION ON MATTERS WHICH MIGHT AFFECT OUR INTERESTS THERE. BELLESCIZE AGREED.

3. WHILE PROCEDURES FOR AND EFFECT OF POSSIBLE AK OR FRG (AS RECEIVING STATE) REMOVAL OF PRIVILEGES AND IMMUNITIES FROM GDR PERMANENT MISSION REPS IN WEST BERLIN WERE DISCUSSED, IT WAS AGREED THAT THIS AND RELATED QUESTIONS COULD BE BETTER CONSIDERED WHEN ENABLING ORDINANCES WERE SUBMITTED TO AK IN BERLIN.

4. BERMAN SAID HE WOULD PREFER TO GET COMMENTS ON NEW AMENDED TEXT FROM CAPITALS AND BERLIN MISSIONS BEFORE PRESENTING BK/O IN THE BONN GROUP. THE US REP SAID HE BELIEVED HIS AUTHORITIES WOULD ALSO PREFER THIS COURSE. IT WAS AGREED TO REQUEST VIEWS FROM MISSIONS AND CAPITALS ON TEXT REFTEL AS AMENDED ABOVE.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: hilburpw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN11040
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS HILLENBRAND
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730863/aaaabugo.tel
Line Count: 98
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 BERLIN 1273
Review Action: RELEASED, APPROVED
Review Authority: hilburpw
Review Comment: n/a
Review Content Flags:
Review Date: 06 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Aug-2001 by izenbei0>; APPROVED <06-Sep-2001 by hilburpw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRIVILEGES AND IMMUNITIES FOR GDR PERMANENT MISSION: BK/O DRAFT
TAGS: PGOV, WB, GC, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005